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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,444	10/15/2001	Jim Janesick	0190107	3233
25700	7590	02/24/2004	EXAMINER	
FARJAMI & FARJAMI LLP			DICKEY, THOMAS L	
16148 SAND CANYON			ART UNIT	
IRVINE, CA 92618			PAPER NUMBER	

2826

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/977,444

Applicant(s)

JANESICK, JIM

Examiner

Thomas L Dickey

Art Unit

2826

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Applicant adds claims 72-76 without cancelling finally rejected claims 4-8.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☒ Newly proposed or amended claim(s) 72-76 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 4-8.

Claim(s) rejected: 1,3 and 9-11.

Claim(s) withdrawn from consideration: 12-71.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10. ☐ Other: \_\_\_\_\_

NATHAN J. FLYNN

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Minhloan Tran  
Primary Examiner  
Art Unit 2826

Continuation of 5. does NOT place the application in condition for allowance because: Applicant first argues, on page 7 of his remarks, that claims 1,3, and 9-11 should not have been finally rejected 10/3/03 as anticipated by Janesick 5,077,592 because Janesick '592 was not cited in the non-final rejection mailed 01/17/2003. Applicant fails to note that claims 1,3, and 9-11 were materially amended in response to the 01/17/2003 rejection. Applicant should refer to his amendment filed 04/28/2003. As was explained in the 10/3/03 rejection, Applicant's amendment necessitated the new ground(s) of rejection presented in the 10/3/03 Office action.

Applicant next argues that although the 10/3/03 rejection correctly concludes Janesick '592's "open pinned phase region" contains all the limitations of what applicant refers to as a "pinned transfer gate," there can be no anticipation because Janesick '592's "open pinned phase region" functions to collect electrons. The examiner's response is two fold.

First, applicant apparently misreads his own claim. The "pinned transfer gate" is "formed by an implanted P type region." The rest of Applicant's claim describes the location of the "pinned transfer gate." Thus Janesick '592's "pinned transfer gate" is the thin heavily p-doped region identified in Janesick's figure 1 as "B B B B B B," B for the boron dope that creates Janesick '592's "pinned transfer gate." This thin heavily p-doped region does function to collect electrons.

Second, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the "pinned transfer gate" should not be allowed to function to collect electrons) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)..